



**County of Santa Clara  
Clean Water Program**

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*Municipal Regional Stormwater Permit Tentative Order Comments*

**Co-permittee:**

**County of Santa Clara**

**Submittal Date 2/29/2008**

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**Development Services Office  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
70 West Hedding St., 7th Floor East Wing  
San Jose, CA 95110**

# County of Santa Clara

Department of Planning and Development  
Development Services Office

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February 29, 2008

Mr. Bruce H. Wolfe  
Chief Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, California 94612

## **RE: Municipal Regional Stormwater NPDES Permit-Tentative Order Comments**

Dear Mr. Wolfe:

Attached is the County of Santa Clara written comments to the Regional Water Board staff's Municipal Regional Stormwater NPDES Permit ("MRP")- December 14, 2007

The County has a limited budget for the Stormwater Program. There are significant restrictions that prevent the ability to increase funding that will need to be provided to comply with the new permit requirements. Our overall comment for the new permit is that are numerous sections that do not have a timeline or implementation due date, and it will be very costly and time consuming to meet all the requirements in the new permit. The attached comments contain more specific questions and concerns.

Please feel free for you or your staff to contact staff member Clara Spaulding at (408) 299-5737, should there be any questions regarding any comments.

Sincerely,

Christopher L. Freitas, P.E.  
Senior Civil Engineer  
Land Development Engineering  
DEVELOPMENT SERVICES OFFICE

County of Santa Clara

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# **County of Santa Clara**

## **Municipal Regional Stormwater NPDES Permit-Tentative**

### **Order Comments**

#### **C.2 Municipal Operations**

The County staff is concerned with the map that identifies high, medium and low frequency sweeping areas. A map of the entire County's roads with the according sweeping frequency will probably be unreadable. We suggest that a list of the streets we provide medium and low sweeping frequencies be provided instead. To sweep every street, even at the lowest frequency, is very time consuming and costly. Reporting on our sweeping equipment and annual sweeper operator training information was not previously provided and it will take time and effort to begin reporting. To implement this it requires a traffic study and additional signage on the roads. This is both time consuming and costly to perform

Will leaves be identified as pollutants? Implementing BMPs for reducing leaves from getting into the storm drain system is unreasonable.

What is intended with proper management of concrete wastewaters? Are there going to be any new BMPS coming to address this issue? The County is also concerned with clean up spills using dry methods because of the high cost that is associated with this technique.

What is to be done with discharge of wash water from Sidewalk/Plaza Maintenance and Pavement washing if it cannot be discharged to storm drains? Preventing water from going into the storm drains is controversial from an engineering prospective. Storm drains are designed to contain some water. If and when the storm drains are not allowed to function as intended then the water will back up into the roads and create other significant problems.

At this time, County Staff is unaware of any BMPs for graffiti removal. Will any new BMP's to address these issues be developed? How should pollutants be prevented from entering storm or watercourses?

Currently we do clean and inspect a majority of our storm drains prior to the winter. However, we do not keep inspection records. Inspecting and providing records for all the storm drains in the county will be very difficult and generate a lot of additional work and cost. What is considered excessive sediment that would warrant increasing inspection and maintenance frequency for a specific storm drain? Will leaves be considered trash?

The County is proposing that there be three pump station inspections instead of four (fall, winter and spring). The County is also proposing that there is already a BMP that addresses inspecting trash racks and oil absorbent booms at pump station during or within 24 hours of a significant storm event and that it is not necessary to make this a regulation.

#### **C.3 New Development and Redevelopment**

Under the subdivision of other development projects the County would like to

express the concern on whether this provision would apply to parcel maps (subdivisions of 4 lots or less)? The County is concerned on how sections (2) thru (5) are to be interpreted with respect to single home development associated with larger lots.

The definitions for road expansion or rehabilitation projects should refer to industry approved definitions for road status. Road expansion needs to meet AASHTO standards.

These proposed regulations would greatly impact the responsible agencies' capital improvement program funding and resources. The County recommends that Class I bikeways (separate bike paths not located within roadways) be excluded and exempt from the proposed regulations, given the difficulty with establishing appropriate stormwater treatments for pollutants that may not be as clearly defined.

For future planned on-street bicycle trail routes that are identified within the right-of-way of County roadways, these proposed regulations would require significant additional funding resources to construct and maintain trails with pervious materials instead of concrete, asphalt or other impervious materials.

Currently, the issues involved with stormwater runoff address non-point source pollution that includes pollutants such as motor oil and other contaminants from motor vehicles; however, the Parks Department seeks clarification on whether horse manure would be considered a potential contaminant covered under this proposed regulation for new paved trails that include dirt shoulders to accommodate equestrians and horses.

The proposed regulation requires that an agency provide electronic reports for each regulated project in an Annual Reporting Table; however, it is unclear whether this procedural requirement would need to be included as part of an Initial Study and Mitigation Measure(s) for the California Environmental Quality Act (CEQA) and NPDES permit compliance.

For sanitary sewer connections for swimming pools, does this include both public and private pools?

What is intended by implementing source control measures for properly designed covers, drains and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas.

Who should be responsible for and how should efficient irrigation systems be achieved? How should landscaping that minimizes irrigation and runoff, promotes surface infiltration, and minimizes the use of pesticides and fertilizers be achieved and by who?

How is "low Traffic Area" defined? For example in Start at the Source not all parking lots are considered low traffic areas and pervious surfaces are not appropriate.

How do you determine if infiltration devices will degrade groundwater quality? The County recommends the Regional Board to create guidelines for installing stormwater treatment systems. What other methods can be used to treat stormwater prior to infiltration devices?

The County is concerned there is not enough time to develop and submit the ordinance/legal authority and procedural changes need to implement Provision C.3.e by the 2008 Annual Report and proposes to have it implement by 2009 instead.

The County is concerned with the new database system for reporting of HM projects and the time and energy it will require implementing the new system. Especially when we already have a reporting procedure.

What happens if the flow duration curve deviates above the pre-project flow duration curve by more than 10 percent over more than 10 percent of the length of the curve corresponding to the range of flows to control?

What is the intent of coordination with appropriate mosquito and vector control agency with jurisdiction to establish a protocol for notification of installed stormwater treatment systems and HM controls? Who would you notify?

The County would like to propose submitting a list of all newly installed stormwater treatment systems and HM controls as part of the annual report instead of the start of the rainy season.

The County is concerned with the new database system for Operation and Maintenance of stormwater treatment systems reporting and the time and energy it will require to implement.

## **C.4 Industrial and Commercial Site Controls**

How will the responsible party be determined? There is potential for legal issues to arise that will be costly and time consuming.

When should warning and citations be given out? What happens to the tracking of repeat and escalating stormwater offenses after the 3-year rolling window is up?

When should staff training start? Is there a minimum amount of trainings that inspectors should attend annually? Can it take all five years of the permit before inspectors are fully trained in all the desired topics?

## **C.5 Illicit Discharge Detection and Elimination**

How do you determine who the responsible party is? There potential could be court time involved with determining who the responsible party is.

For the progressive enforcement policy what is considered a progressive response?

## **C.10 Trash Reduction**

How should we provide identifying ten percent of the high trash and litter impact catchments in Urban and Suburban Land Area?

It is not feasible to increase minimum control measures within the target catchments such as sweeping and to enhance inlet inspection and cleaning will be very difficult. It is not feasible for us to report selected enhanced trash control catchment areas, including map delineation, and type of control measures